

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UBS AG, Stamford Branch,

Plaintiff,

-against-

HealthSouth Corporation,

Defendant.

Civil Action No. 07 CV 8490 (LAP)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendant HealthSouth Corporation will move this Court, the Honorable Loretta A. Preska, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on March 6, 2008 at 9:00 a.m., or as soon thereafter as counsel may be heard, for an order dismissing or, in the alternative, staying Plaintiff UBS AG, Stamford Branch's action against HealthSouth Corporation, in deference to a prior pending action, *Tucker v. Scrushy*, Civil Action No. CV-02-5212 (Circuit Ct. Jefferson Co., Ala.), under the common law first-filed rule and/or in accordance with abstention principles. This motion is made upon the annexed Declaration of David G. Hymer, and exhibits attached thereto, dated January 17, 2008, and the accompanying Memorandum of Law, dated January 18, 2008, and all files, records and proceedings herein.

Dated: January 18, 2008

Respectfully submitted,



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